



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
4400 PGA Boulevard, Suite 500  
Palm Beach Gardens, Florida 33410

REPLY TO  
ATTENTION OF

Palm Beach Gardens Regulatory Office

***PUBLIC NOTICE***

**Permit Application No. SAJ-2004-6787(IP-AAZ) OCT 28 2004**

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

APPLICANT: KMJ Apartments, LLC  
Attn: Mr. Martin Kartzmark  
7440 South Federal Highway  
Port St. Lucie, Florida 34952

WATERWAY & LOCATION: The proposed project is located in waters of the United States on undeveloped land located at the southwest corner of Lennard Road and Kitterman Road in Port St. Lucie, Section 15, Township 36 south, Range 40 east, St. Lucie County, Florida.

DIRECTIONS TO SITE: From Port St. Lucie in St. Lucie County, travel north on U.S. Highway 1, then east on Kitterman Road. The property is located on the south side of Kitterman Road.

LATITUDE & LONGITUDE: Latitude 27°20'606" North  
Longitude 80°19'319" West

PROJECT PURPOSE:

Basic: The basic purpose of this project is to construct a multi-family residential development.

Overall: The overall purpose of this project is to construct a multi-family residential development with amenities in eastern St. Lucie County.

PROPOSED WORK: The applicant proposes to construct a rental apartment complex with seventeen buildings and supporting amenities referred to as the Kitterman Woods. The property is a 48.95-acre site, of which 40.82 acres are uplands, 7.52 acres are

wetlands, and 0.61 acres are jurisdictional ditches. The wetland determination has not been verified by the A.S. Army Corps of Engineers. The uplands consist of improved pasture, pine flatwoods, a live oak area, and disturbed areas. The unimproved pastures (10.35 acres) are dominated by slash pine (*Pinus elliotii*), Brazilian pepper (*Schinus terebinthifolius*), and wire grasses. The pine flatwoods (1.56 acres) are dominated by slash pine and saw palmetto (*Serenoa repens*). The remaining upland areas, as described in the Environmental Assessment, are a 1.98-acre live oak area, a 9.76 acre was myrtle area, a 7.17 Australian pine area, and a 1.34 acre Brazilian pepper area. The wetlands are considered mixed hardwood wetlands, with Carolina willow (*Salix caroliniana*), laurel oak (*Quercus lauridolia*), and cabbage palm (*Sabal palmetto*), and an understory comprising of swamp fern (*Blechnum serrulatum*), chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), and southern swamp lily (*Crinum americanum*). This project proposes to place fill over 3.12 acres of wetlands and 0.61 acre of jurisdictional ditches. The site is bordered by commercial development to the west, undeveloped land with low-density residential development to the north, the Savannas State Preserve and the Savannas Middle School to the east, and undeveloped land to the south. The applicant has offered the following compensatory mitigation for consideration if it is determined that issuance of a permit is appropriate. The applicant would enhance and preserve 4.4 acres of freshwater wetlands, and create 1.5 acres of wetlands inside of the proposed stormwater management pond. The U.S. Army Corps of Engineers (Corps) is currently determining if the proposed mitigation would offset the loss of wetland function and value through the Wetland Rapid Assessment Procedure (WRAP) process.

ENDANGERED SPECIES: Woodstorks are known to forage in the area. Since the applicant is proposing on-site mitigation to offset the impacts to the wetlands, the Corps has made a determination that the proposed work may affect, but is not likely to adversely affect the woodstork. In addition, the Environmental Assessment, which was conducted in June 2003, indicated that forty-nine gopher tortoise burrows were located on site. Therefore, the Corps has made a determination that the proposed work may affect, but is not likely to adversely affect the eastern indigo snake with adherence to the standard eastern indigo snake construction protection measures. Pursuant to Section 7 of the Endangered Species Act, the Corps is requesting concurrence from the Fish and Wildlife Service for the woodstork and the eastern indigo snake by separate letter.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project would result in impacts to 3.12 acres of freshwater wetlands and 0.61 acre of jurisdictional ditches. Therefore, the Corps has determined that the proposal would not have a substantial adverse impact on EFH or Federally managed fisheries.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

AUTHORIZATION FROM OTHER AGENCIES: A State Water Quality Certification/Permit may be required for this project. The South Florida Water Management District is currently reviewing this project under application number 040514-9.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within **30** days from the date of this notice.

If you have any questions concerning this application, you may contact Alisa Zarbo of this office by telephone at 561-472-3514 or by fax at 561-626-6971. You may also email your comments to [alisa.a.zarbo@saj02.usace.army.mil](mailto:alisa.a.zarbo@saj02.usace.army.mil).

THIS DRAWING, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DRAWING WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY R.L. WEIGT ENVIRONMENTAL CONSULTANTS, INC. SHALL BE WITHOUT LIABILITY TO R.L. WEIGT ENVIRONMENTAL CONSULTANTS, INC.

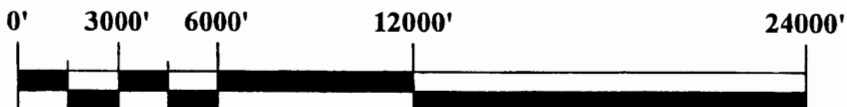
NOT A SURVEY



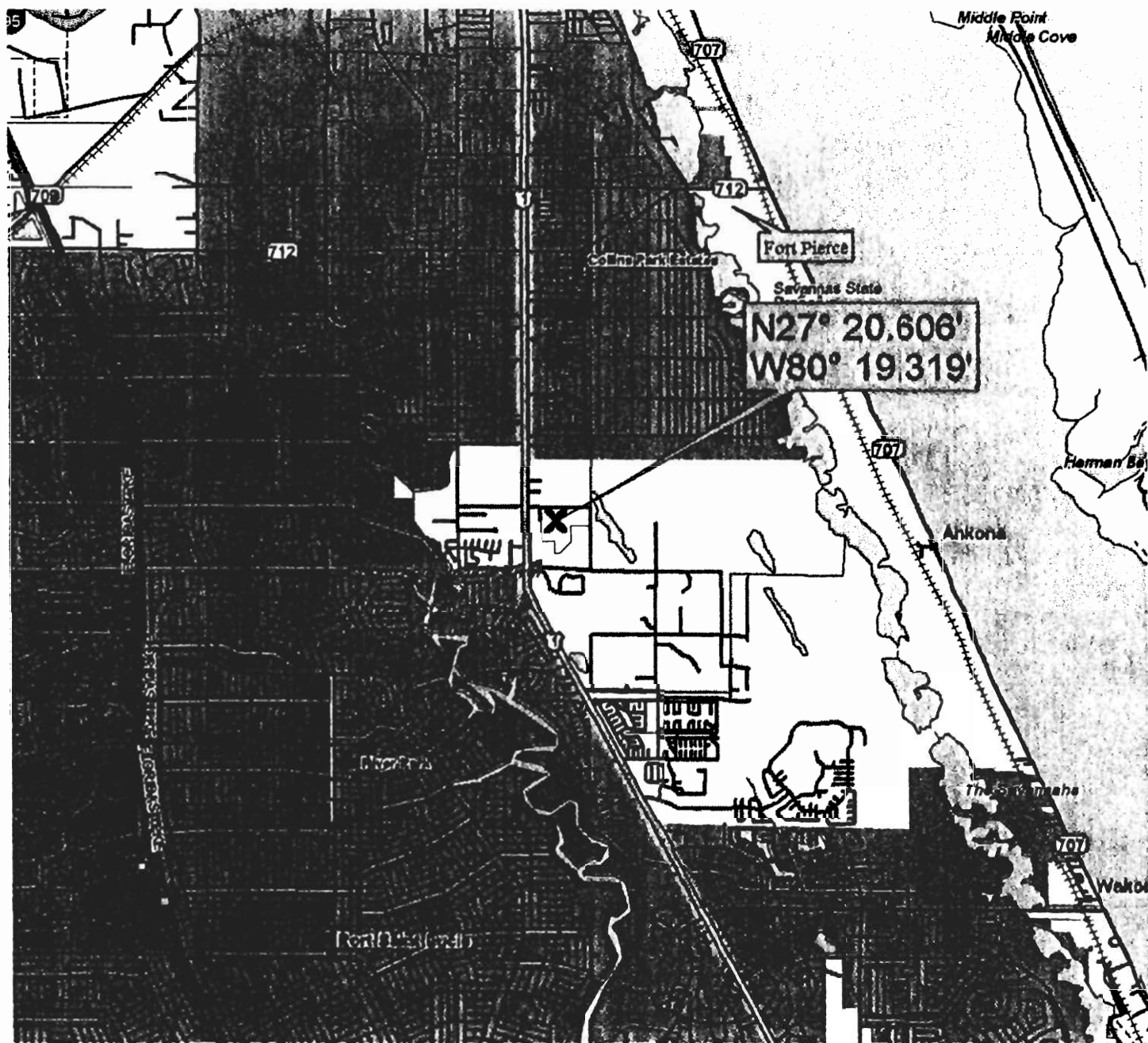
CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2800 80th Ave. SW, SUITE 100  
FORT PIERCE, FLORIDA 34982  
(772) 484-3537



North



SCALE: 1" = 6000'



SOURCE: DELORME STREET ATLAS USA, DELUXE.  
LATITUDE: N27° 20.606' LONGITUDE: W080° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:
FLORIDA	15	36S	40E	03-039.03

**KITTERMAN WOODS**  
ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP)  
**VICINITY MAP**

DRAWING NAME: DATE: FIGURE:

U.S. Army Corps of Engineers  
Application # 2004-6787  
9/9/04  
Sheet 1 of 7  
Section 15, Township 36S, Range 40E

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NOT A SURVEY



CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2800 SOUTH 25th STREET  
FORT MYERS, FLORIDA 33905  
(772) 484-3537



North



SCALE: 1" = 400'



SOURCE: ST. LUCIE COUNTY PROPERTY APPRAISER, 2000 AERIAL PHOTOGRAPH  
LATITUDE: N27° 20.606' LONGITUDE: W80° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	15	36S	40E	03-039.03	2000AERIAL.DWG	21 JANUARY 2004	3 OF 19

### KITTERMAN WOODS

ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP)

2000 AERIAL PHOTOGRAPH

U.S. Army Corps of Engineers

Application # 2004-6787

9/9/04

Sheet 2 of 7

Section 15, Township 36S, Range 40E

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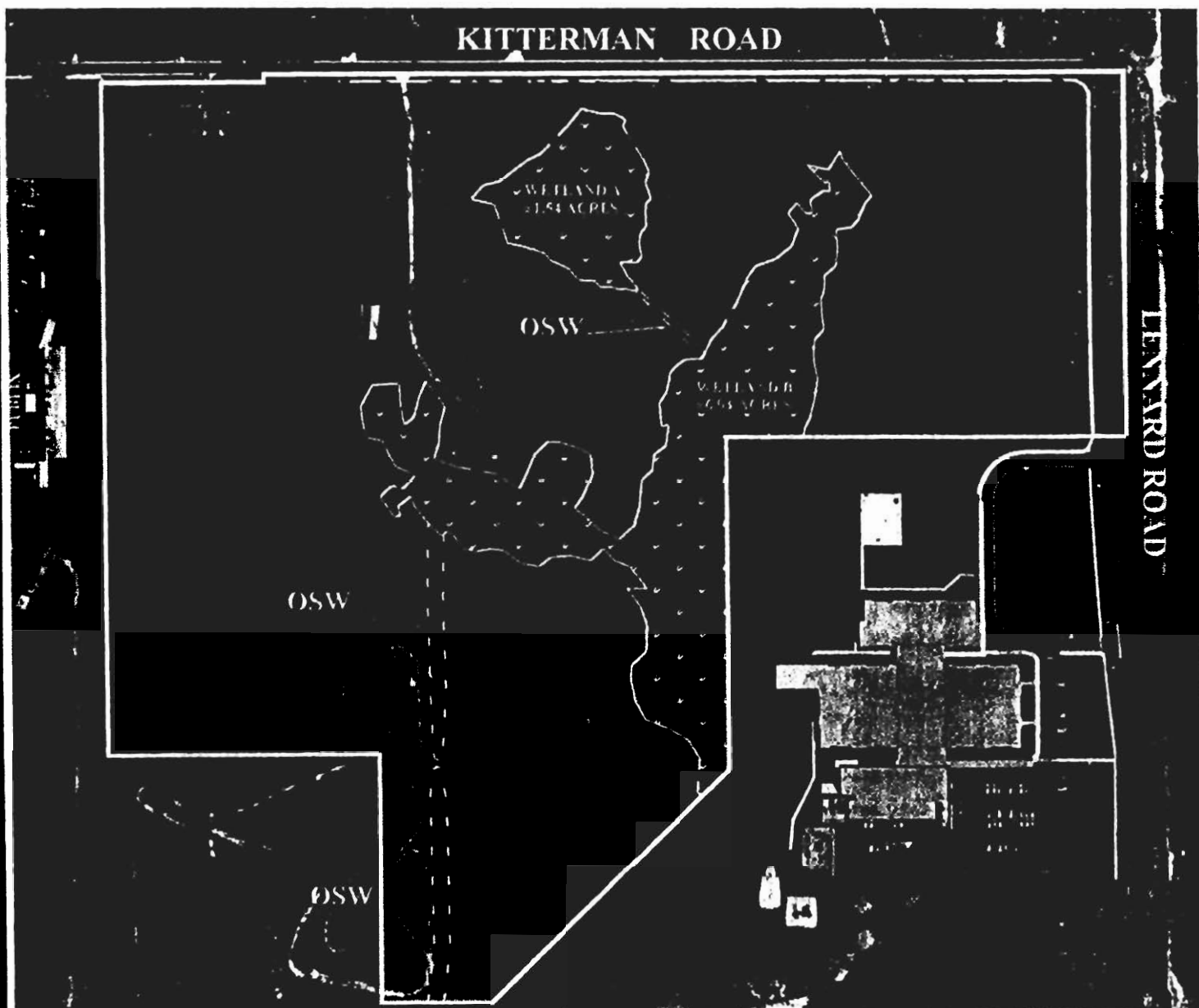
CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2800 SOUTH 25th STREET  
FORT PIERCE, FLORIDA 34901  
(772) 464-3337



North



SCALE: 1" = 300'



NOTE: WETLAND DELINEATION VERIFIED BY ED CRONYN,  
(SFWMD) 8-27-03 PRE-APPLICATION # 030821-15

### LEGEND



SFWMD AND USACOE JURISDICTIONAL WETLAND  
7.52±ACRES

SOURCE: RLW AND C&T  
LATITUDE: N27° 20.606' LONGITUDE: W080° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:
FLORIDA	15	36S	40E	03-039.03

DRAWING NAME:	DATE:	FIGURE:
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## KITTERMAN WOODS

ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP)

## JURISDICTIONAL WETLANDS

U.S. Army Corps of Engineers

Application # 2004-6787

9/9/04

Sheet 3 of 7

Section 15, Township 36S, Range 40E

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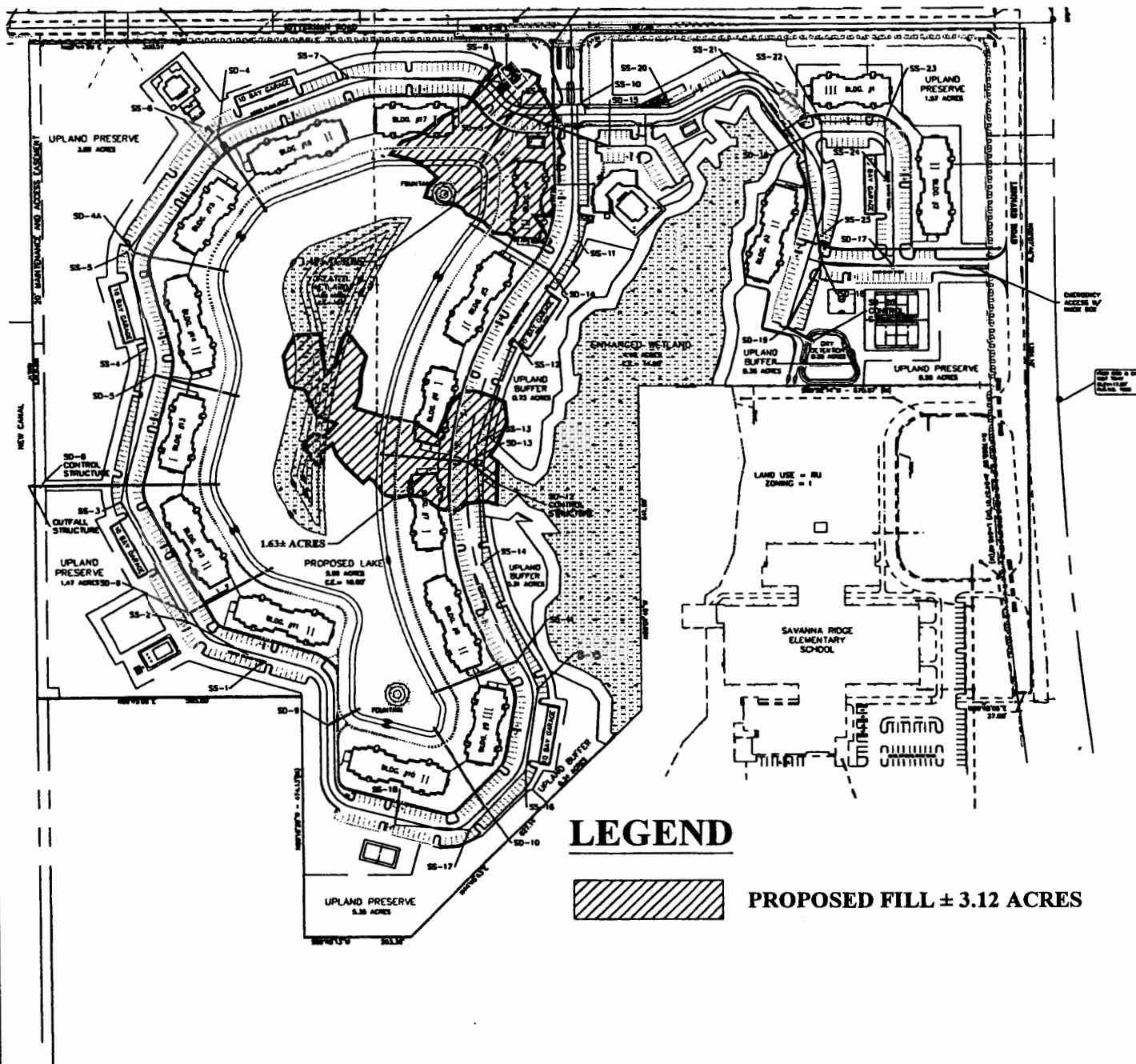
CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2500 SOUTH 25TH STREET  
FORT PIERCE, FLORIDA 34982  
(772) 464-3537



North



SCALE: 1" = 300'



SOURCE: RLW AND C&T  
LATITUDE: N27° 20.606' LONGITUDE: W080° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	15	36S	40E	03-039.03	PROPOSED FILL.DWG	21 JANUARY 2004	7 OF 19

**KITTERMAN WOODS**  
**ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP)**  
**PROPOSED FILL**

U.S. Army Corps of Engineers  
Application # 2004-6787  
9/9/04  
Sheet 4 of 7  
Section 15, Township 36S, Range 40E



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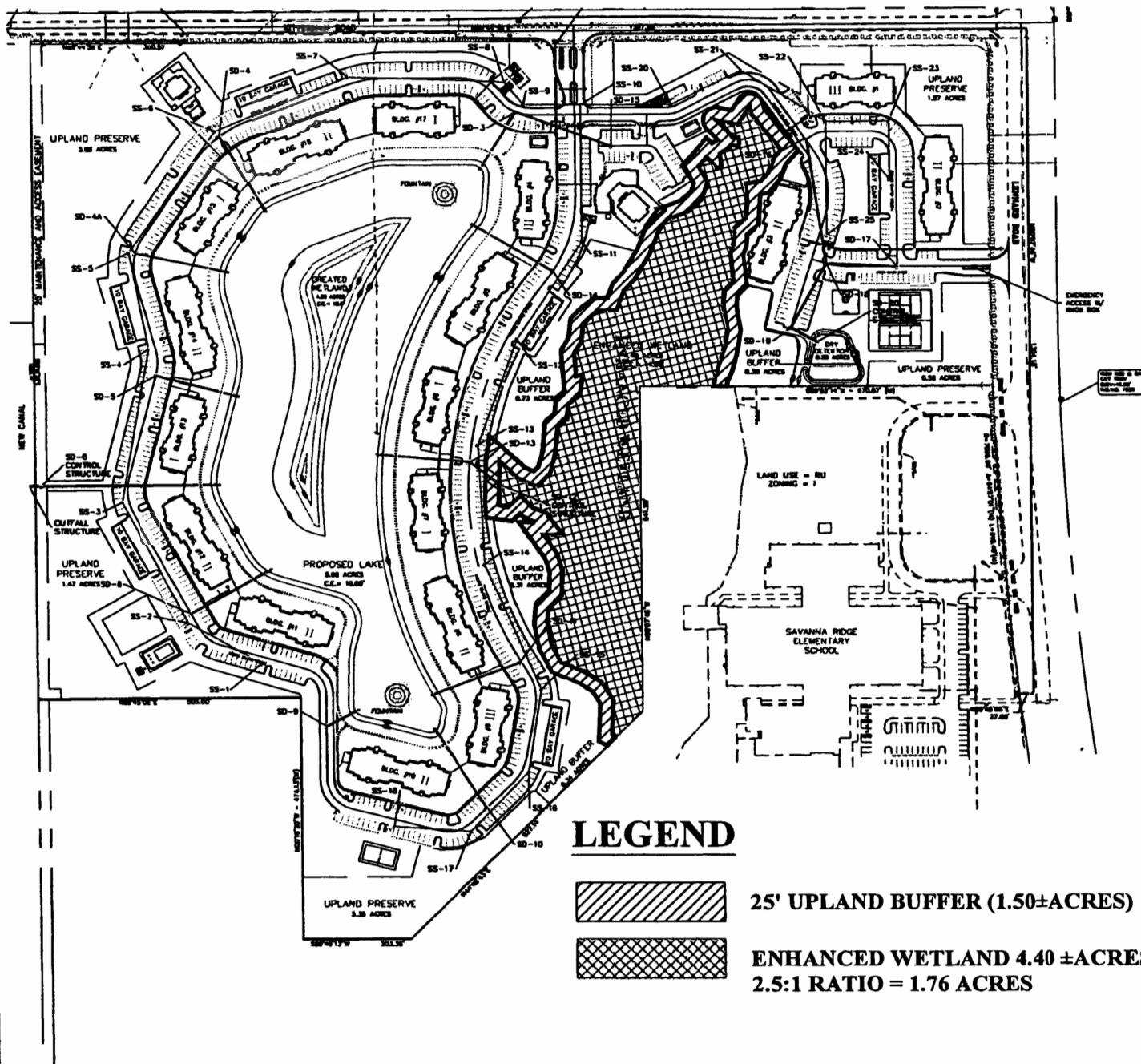
CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2800 SOUTH 15TH STREET  
FORT PIERCE, FLORIDA 34955  
(772) 464-3537



North



SCALE: 1" = 300'



## LEGEND



25' UPLAND BUFFER (1.50±ACRES)



ENHANCED WETLAND 4.40 ±ACRES  
2.5:1 RATIO = 1.76 ACRES

SOURCE: RLW AND C&T

LATITUDE: N27° 20.606' LONGITUDE: W080° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	15	36S	40E	03-039.03			

### KITTERMAN WOODS

ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP)

### PROPOSED WETLAND ENHANCEMENT

U.S. Army Corps of Engineers

Application # 2004-6787

9/9/04

Sheet 5 of 7

Section 15, Township 36S, Range 40E



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NOT A SURVEY



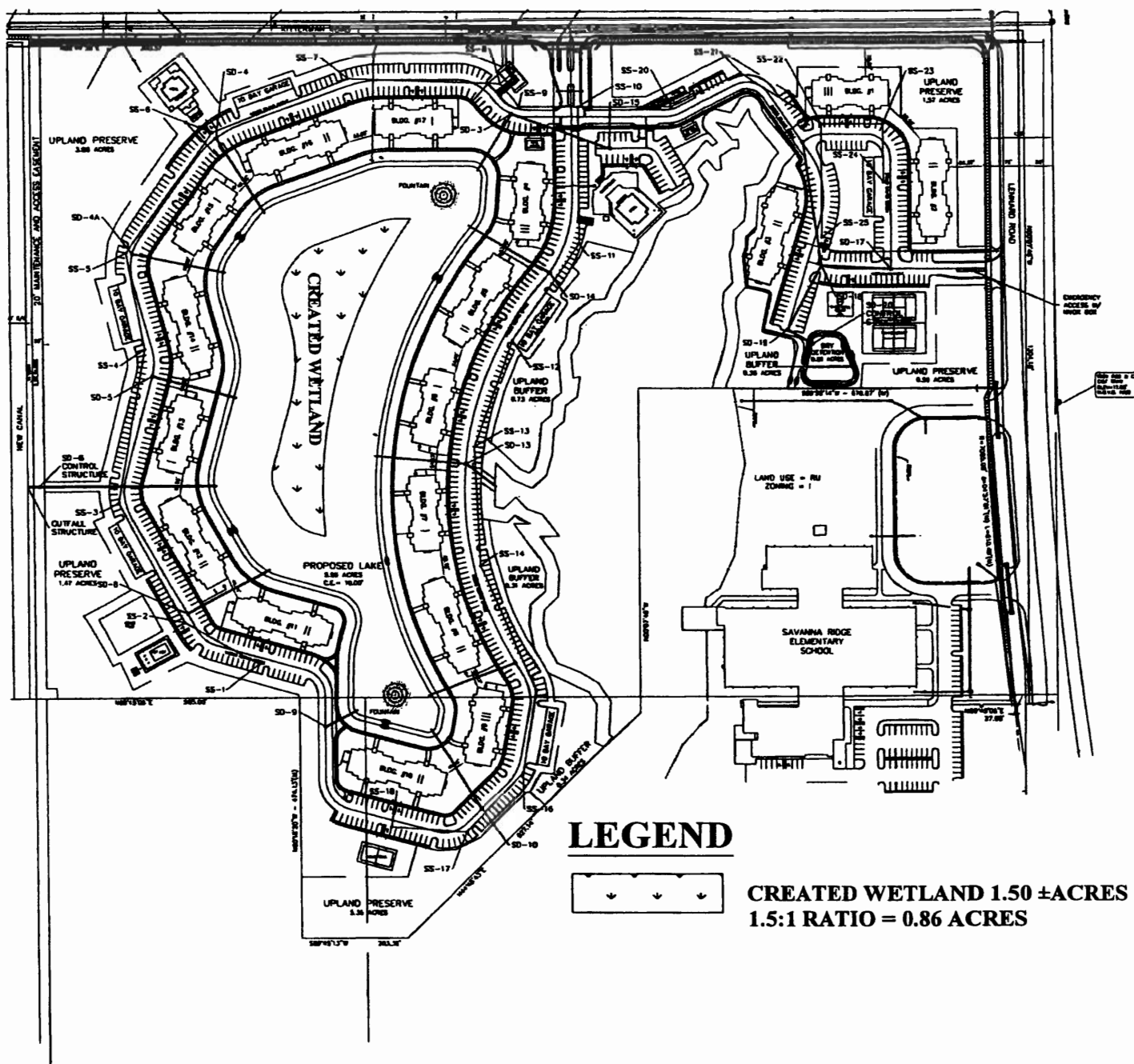
CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
3000 SOUTH 25th STREET  
FORT WORTH, TEXAS 76106  
(712) 464-3837



North



SCALE: 1" = 300'



SOURCE: RLW AND C&T  
LATITUDE: N27° 20.606' LONGITUDE: W080° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	15	36S	40E	03-039.03			
<b>KITTERMAN WOODS</b> ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP) <b>PROPOSED WETLAND CREATION</b>					U.S. Army Corps of Engineers Application # 2004-6787 9/9/04 Sheet 6 of 7 Section 15, Township 36S, Range 40E		

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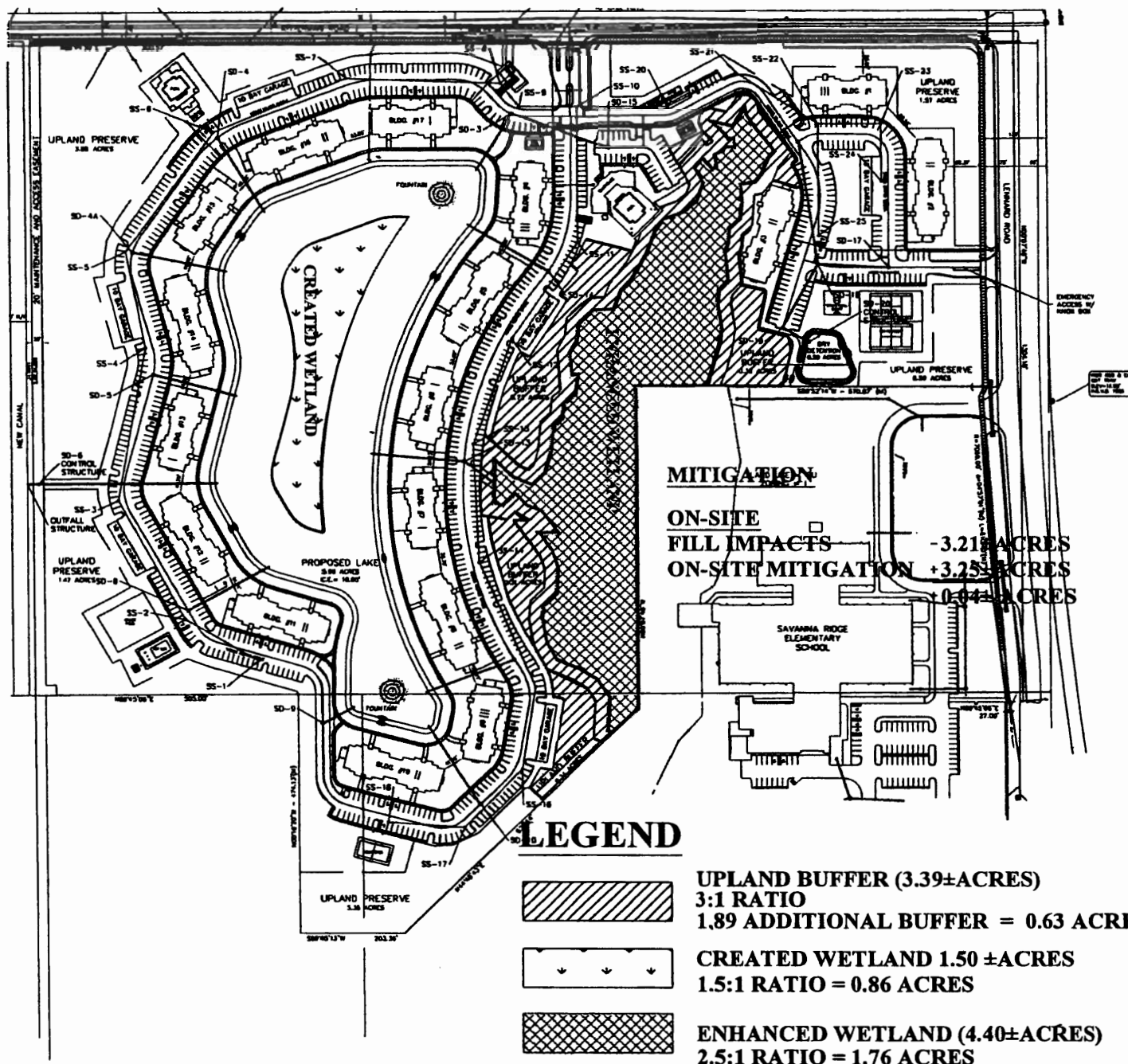
CONSULTING ENGINEERS  
&  
LAND SURVEYORS  
2800 SOUTH 28th STREET  
FORT PIERCE, FLORIDA 34983  
(772) 464-3537



North



SCALE: 1" = 300'



SOURCE: RLW AND C&T  
LATITUDE: N27° 20.606' LONGITUDE: W080° 19.319'

ST. LUCIE COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	15	36S	40E	03-039.03			
KITTERMAN WOODS ENVIRONMENTAL RESOURCE PERMIT APPLICATION (ERP) MITIGATION SUMMARY					U.S. Army Corps of Engineers Application # 2004-6787 9/9/04 Sheet 7 of 7 Section 15, Township 36S, Range 40E		

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division